

## REMARKS

In response to the Office Action dated July 27, 2007, Applicant respectfully requests reconsideration based on the foregoing amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance. Claims 1-20 are pending in the application, with claims 1, 11, and 19 being independent.

### §102 Rejections

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,581,251 to Glazer et al. (Glazer). Applicant respectfully traverses the rejection. Applicant has, nevertheless, amended this claim for clarification, without conceding the propriety of the rejection.

**Claim 1**, as amended, recites a weather guard, comprising:

- a frame comprising a plurality of interconnected rigid members defining a supporting structure, the frame further comprising:
- a pair of opposed horizontal transverse members rigidly attached to a pair of opposed cross members substantially perpendicular to the transverse members forming a substantially horizontal rigid body;
- at least one downwardly extending vertical support member connected to the horizontal rigid body, the at least one vertical support member is connected to one of the cross members;
- at least one bracket comprising a first end and a second end, the first end is attached to the horizontal rigid body and the second end extends downwardly at an angle  $\theta$ , *wherein the second end of the at least one bracket tapers such that it is attached to the vertical support member*; and
- a membrane attached to the frame defining an opening, wherein the membrane forms a shield against environmental conditions inside the opening.

In making out the rejection of this claim the Office argues that claim 1 is anticipated by Glazer. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection and in the interests of expediting allowance of the application, claim 1 is amended to recite, “a frame comprising...at least one bracket comprising a first end and a second end, the first end is attached to the horizontal rigid body and the second end extends downwardly at an angle  $\theta$ , *wherein the second end of the at least one bracket tapers such that it is attached to the vertical support member...*” Glazer has not been shown to disclose or suggest such features. Rather, Glazer is directed to improving the service and quality of speech transmission at a telephone booth through the use of sound absorbent acoustic wall material and the positioning of the instrument(s) within the telephone booth.

Applicant understood the Examiner to agree that the cited references did not appear to disclose these features. The Examiner also indicated that she would review the references and update her search. Applicant thanks the Examiner for this preliminary indication.

For at least this reason, Applicant respectfully submits that amended claim 1 stands allowable.

**Dependent claims 2-10** depend from claim 1, and rejections with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 1, Glazer does not disclose, teach, or suggest.

**Claim 11**, as amended, recites a weather guard, comprising:

- a frame comprising a plurality of interconnected rigid members defining a supporting structure, the frame further comprising:

- a pair of opposed horizontal transverse members rigidly attached to a pair of opposed cross members substantially perpendicular to the transverse members forming a substantially horizontal rigid body;
- at least one downwardly extending vertical support member connected to the horizontal rigid body, the at least one vertical support member is connected to one of the cross members;
- at least one bracket comprising a first end and a second end, the first end is attached to the horizontal rigid body and the second end extends downwardly at an angle  $\theta$ , *wherein the second end of the at least one bracket tapers such that it is attached to the vertical support member*;
- a membrane attached to the frame defining an opening, wherein the membrane forms a shield against environmental conditions inside the opening; and
- first and second back panels forming a back cover of the weather guard, wherein the first and second back panels are adapted to releasably fasten to each other.

Office asserts that claim 11 is anticipated by Glazer. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection and in the interests of expediting allowance of the application, claim 11 is amended to recite, “a frame comprising...at least one bracket comprising a first end and a second end, the first end is attached to the horizontal rigid body and the second end extends downwardly at an angle  $\theta$ , *wherein the second end of the at least one bracket tapers such that it is attached to the vertical support member... .*” Glazer has not been shown to disclose or suggest such features. Rather, Glazer is directed to improving the service and quality of speech transmission at a telephone booth through the use of sound absorbent acoustic wall material and the positioning of the instrument(s) within the telephone booth.

Applicant understood the Examiner to agree that the cited references did not appear to disclose these features. The Examiner also indicated that she would review the references and update her search. Applicant thanks the Examiner for this preliminary indication.

For at least this reason, Applicant respectfully submits that amended claim 11 stands allowable.

**Dependent claims 12-18** depend from claim 11, and rejections with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 11, Glazer does not disclose, teach, or suggest.

**Claim 19**, as amended, recites a weather guard, comprising:

- means for supporting, comprising:
- a pair of opposed transverse horizontal means for holding the membrane in a horizontal position rigidly attached to a pair of opposed cross means for holding substantially perpendicular to the opposed transverse horizontal means for holding; and
- means for shielding attached to the means for supporting defining an opening, *wherein the means for shielding also defines a first tapered side extending downwardly and a second tapered side extending downwardly.*

The Office asserts claim 19 is anticipated by Glazer. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection and in the interests of expediting allowance of the application, claim 19 is amended to recite, "...means for shielding attached to the means for supporting defining an opening, *wherein the means for shielding also defines a first tapered side extending downwardly and a second tapered side extending downwardly.*" Glazer has not been shown to disclose or suggest such features. Rather, Glazer is directed to improving the service and quality of speech transmission at a telephone booth through the use of sound absorbent acoustic wall material and the positioning of the instrument(s) within the telephone booth.

Applicant understood the Examiner to agree that the cited references did not appear to disclose these features. The Examiner also indicated that she would

review the references and update her search. Applicant thanks the Examiner for this preliminary indication.

For at least this reason, Applicant respectfully submits that amended claim 19 stands allowable.

**Dependent claim 20** depends from claim 19, and rejections with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 19, Glazer does not disclose, teach, or suggest.

### **The §103 Rejections**

Claims 4, 7-8, 14 and 17-18 stand rejected under 35 U.S.C. §103(a) as being obvious over Glazer. Applicant respectfully traverses the rejection.

**Claims 4 and 7-8** depend from independent claim 1 and are allowable by virtue of this dependency, as well as for the additional features that they recite. Therefore, Glazer cannot be said to disclose or suggest all of the subject matter of claims 4 and 7-8. Accordingly, for at least this reason, these claims are allowable.

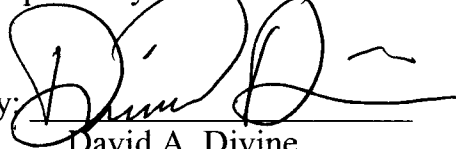
**Claims 14 and 17-18** depend from independent claim 11 and are allowable by virtue of this dependency, as well as for the additional features that they recite. Therefore, Glazer cannot be said to disclose or suggest all of the subject matter of claims 14 and 17-18. Accordingly, for at least this reason, these claims are allowable.

**Conclusion**

Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-20 and favorable action on the subject application. If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned agent to resolve the issue.

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Respectfully Submitted,

By: 

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